

16 June 2016

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Our ref:  
GRM1/AP6/364065.1369  
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Dear Sirs

**Bates & others v Post Office Limited**  
**Claim No. HQ16X01238**

We refer to the above proceedings and write to confirm the advice given by Tony Robinson QC at a conference held on 9 June 2016.

In late 2015, Mr Tim Parker, Post Office's Chairman, began a review to consider whether any further action could reasonably be taken by Post Office to address the claims raised by postmasters in relation to the Horizon system. Mr Jonathan Swift QC was engaged by Post Office to advise on this review. His mandate was to conduct an independent assessment of the work which had been done already by Post Office and whether there were any further steps that might reasonably be taken by Post Office.

In February 2016, Mr Swift provided his advice and made eight recommendations for further work that could be undertaken. We understand that Post Office is considering those recommendations: some have been implemented already; others are underway but not yet complete.

In April 2016, the above Claim was issued against Post Office by 91 postmasters (**the Group Action**). The subject matter of the Group Action broadly overlaps with the scope of Mr Parker's review and the subject matter of the recommendations made by Mr Swift.

In May 2016, Post Office instructed Mr Tony Robinson QC to advise them on the Group Action. As part of his instructions, Mr Robinson reviewed the advice and recommendations put forward by Mr Swift. At a conference attended by Post Office's legal team and others on 9 June 2016, Mr Robinson was asked to advise on, amongst other matters, whether Mr Parker should continue his review and / or implement Mr Swift's recommendations.

Mr Robinson's "*very strong advice*" was that Mr Parker's review should cease immediately. There was a material risk that Mr Parker's review, and particularly the implementation of Mr Swift's recommendations by Mr Parker, would not be covered by privilege. Material related to these actions may therefore potentially be disclosable to the Claimants in the Group Action and that could undermine Post Office's prospects of success and / or negotiating position.

Given the overlap of issues between Mr Parker's review and the Group Action, Mr Robinson advised that it would still be prudent for Post Office to implement the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 8<sup>th</sup> recommendations of Mr Swift to the extent that these were required to advance Post Office's case in the Group Action and as appropriately adapted to meet the needs of the litigation. This work should however be conducted exclusively by Post Office's legal team (or by others instructed by Post Office's legal team) so to maximise the prospect of asserting privilege over this work.

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Yours faithfully

**Bond Dickinson LLP**

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